

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

Bail Appl..No. 3072 of 2007()

LPC.106/2005 of J.M.F.C.,TIRUR

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APPLICANT/ACCUSED:

AVARAKUTTY, S/O.KUNJEEN,
CHERIYAMPURATH HOUSE, ANTHAVOOR AMSOM,
ANTHAVOOR DESOM, TIRUR TALUK.

BY ADV. SRI.P.VIJAYA BHANU
SRI.PRASUN.S

RESPONDENT/COMPLAINANT:

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29/05/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V. RAMKUMAR, J.

.....
B.A. No. 3072 OF 2007
.....

Dated this the 29th day of May, 2007

O R D E R

Petitioner, who is the accused in C.P. No.65/03 on the file of JFCM, Tirur for an offence punishable under Sec.307 I.P.C., seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner in C.P. No.65/03 on the file of the J.F.C.M., Tirur, the case against the petitioner has been transferred to the Long Pending Case Register as L.P. Case No.106/05. Admittedly, non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail within two weeks from today, the same shall be considered and disposed of, preferably on the same day on which it is filed, after considering the explanation offered by the petitioner for his previous non-appearance.

With the above observation this application is disposed of .

(V. RAMKUMAR, JUDGE)

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